

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL BAUER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:09-cv-2116 TIA
	)	
JEFFERSON COUNTY, MISSOURI, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR SANCTIONS AGAINST DEFENDANTS JEFFERSON COUNTY AND OLIVER BOYER**

Pursuant to Fed.R.Civ.P. 37, Plaintiff moves this Court for entry of sanctions against Defendants Jefferson County and Oliver Boyer for failure to fully participate in discovery and comply with orders of this Court. In support, Plaintiff states:

1. On November 23, 2010, Plaintiff served requests for production and interrogatories upon Defendants Jefferson County, Missouri, and Oliver Boyer. Responses were due on December 23, 2010.
2. Despite Plaintiff's good faith efforts, Defendants did not produce any documents or provide any responses to interrogatories and Plaintiff filed a motion to compel production of documents and first set of interrogatories on March 23, 2011 (Doc. #65).
3. On April 4, 2011, this Court entered an order to compel Defendants to "file responses to Plaintiff's First Request for Production and First set of Interrogatories dated November 23, 2010, no later than April 8, 2011." Doc. #68.
4. Given an illness and death in the family at the time responses and production were due, opposing counsel asked Plaintiff's counsel for additional time to comply with this order, to which Plaintiff agreed.

5. Despite Plaintiff's continued good faith efforts and a looming deadline for dispositive motions, Defendants Jefferson County and Boyer have still not produced any documents or responded to interrogatories or provided any responses to interrogatories that were served in November 2010 and subject to this Court's Order of April 4, 2011.

WEREFORÉ Plaintiff respectfully requests this Court to:

- A. Strike Answers of Defendants Jefferson County and Boyer;
- B. Render a default judgment against Defendants Jefferson County and Boyer; and
- C. Order Defendants Jefferson County and Boyer to pay reasonable expenses, including attorneys' fees, caused by their failure;
- D. Stay further proceedings until the order is obeyed; and
- E. Impose such other or further sanctions authorized by FED.R.CIV.P. 37 as appropriate.

Respectfully submitted,

/s/ Grant R. Doty

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**Certificate of Service**

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to the counsel of record on May 16, 2011.

/s/ Grant R. Doty